

fault of such request that they will be turned over to the State authorities for destruction.

It shall be unlawful for any person, firm, or corporation to deposit in the United States mails any package containing any plant or plant product addressed to any place within a State maintaining inspection thereof, as herein defined, without plainly marking the package so that its contents may be readily ascertained by an inspection of the outside thereof. Whoever shall fail to so mark said packages shall be punished by a fine of not more than \$100.

The United States Postal Service is authorized and directed to make all needful rules and regulations for carrying out the purposes hereof.

(Mar. 4, 1915, ch. 144, 38 Stat. 1113; June 4, 1936, ch. 495, 49 Stat. 1461; Pub. L. 91-375, §4(a), Aug. 12, 1970, 84 Stat. 773.)

CODIFICATION

Section was formerly classified to section 166 of this title.

Section was enacted as part of the Agricultural Appropriation Act, 1916, and not as part of the Plant Protection Act which comprises this chapter.

AMENDMENTS

1936—Act June 4, 1936, amended last sentence of first par. by changing introductory word “plant” to “plants”, inserting “(including seed)”, “and not in violation of a plant-quarantine law or plant-quarantine regulation of the United States Department of Agriculture or of the State of destination pertaining to such injurious pests”, “or in violation of a plant-quarantine law or plant-quarantine regulation of the United States Department of Agriculture or of the State of destination pertaining to such injurious pests,” and striking out the comma after “place of inspection”.

SHORT TITLE

This section is popularly known as the “Terminal Inspection Act.”

TRANSFER OF FUNCTIONS

In first and third pars., “United States Postal Service” substituted for “Postmaster General” pursuant to Pub. L. 91-375, §4(a), Aug. 12, 1970, 84 Stat. 773, set out as a note under section 201 of Title 39, Postal Service, which abolished office of Postmaster General of Post Office Department and transferred its functions to United States Postal Service.

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, §1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

§ 7761. National Clean Plant Network

(a) In general

The Secretary shall establish a program to be known as the “National Clean Plant Network” (referred to in this section as the “Program”).

(b) Requirements

Under the Program, the Secretary shall establish a network of clean plant centers for diagnostic and pathogen elimination services to—

- (1) produce clean propagative plant material; and
- (2) maintain blocks of pathogen-tested plant material in sites located throughout the United States.

(c) Availability of clean plant source material

Clean plant source material may be made available to—

- (1) a State for a certified plant program of the State; and
- (2) private nurseries and producers.

(d) Consultation and collaboration

In carrying out the Program, the Secretary shall—

- (1) consult with State departments of agriculture, land grant universities, and NLGCA Institutions (as defined in section 3103 of this title); and
- (2) to the extent practicable and with input from the appropriate State officials and industry representatives, use existing Federal or State facilities to serve as clean plant centers.

(e) Funding

(1) Fiscal years 2009 through 2012

Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out the Program \$5,000,000 for each of fiscal years 2009 through 2012, to remain available until expended.

(2) Fiscal year 2013

There is authorized to be appropriated to carry out the Program \$5,000,000 for fiscal year 2013.

(Pub. L. 110-234, title X, §10202, May 22, 2008, 122 Stat. 1342; Pub. L. 110-246, §4(a), title X, §10202, June 18, 2008, 122 Stat. 1664, 2104; Pub. L. 112-240, title VII, §701(g)(2), Jan. 2, 2013, 126 Stat. 2366.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

Section was enacted as part of the Food, Conservation, and Energy Act of 2008, and not as part of the Plant Protection Act which comprises this chapter.

AMENDMENTS

2013—Subsec. (e). Pub. L. 112-240 designated existing provisions as par. (1), inserted heading, and added par. (2).

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 112-240 effective Sept. 30, 2012, see section 701(j) of Pub. L. 112-240, set out in a 1-Year Extension of Agricultural Programs note under section 8701 of this title.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

DEFINITIONS

“Secretary” as meaning the Secretary of Agriculture, see section 8701 of this title.

“State department of agriculture” as meaning the agency, commission, or department of a State government responsible for protecting and promoting agriculture in the State, see section 10001(2) of Pub. L. 110-246, set out as a note under section 1622b of this title.

SUBCHAPTER IV—AUTHORIZATION OF APPROPRIATIONS

§ 7771. Authorization of appropriations

There are authorized to be appropriated such amounts as may be necessary to carry out this

chapter. Except as specifically authorized by law, no part of the money appropriated under this section shall be used to pay indemnities for property injured or destroyed by or at the direction of the Secretary.

(Pub. L. 106-224, title IV, § 441, June 20, 2000, 114 Stat. 455.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title IV of Pub. L. 106-224, June 20, 2000, 114 Stat. 438, which is classified principally to this chapter. For complete classification of title IV to the Code, see Short Title note set out under section 7701 of this title and Tables.

TRANSFER OF FUNCTIONS

For transfer of functions of the Secretary of Agriculture relating to agricultural import and entry inspection activities under this chapter to the Secretary of Homeland Security, and for treatment of related references, see sections 231, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 7772. Transfer authority

(a) Authority to transfer certain funds

In connection with an emergency in which a plant pest or noxious weed threatens any segment of the agricultural production of the United States, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department of Agriculture such amounts as the Secretary considers necessary to be available in the emergency for the arrest, control, eradication, and prevention of the spread of the plant pest or noxious weed and for related expenses.

(b) Availability

Any funds transferred under this section shall remain available for such purposes without fiscal year limitation.

(c) Secretarial discretion

The action of any officer, employee, or agent of the Secretary in carrying out this Act, including determining the amount of and making any payment authorized to be made under this chapter, shall not be subject to a review by any officer or employee of the Federal Government other than the Secretary or the designee of the Secretary.

(Pub. L. 106-224, title IV, § 442, June 20, 2000, 114 Stat. 455; Pub. L. 107-171, title VII, § 7504(b), May 13, 2002, 116 Stat. 466; Pub. L. 110-234, title X, § 10203(b), May 22, 2008, 122 Stat. 1342; Pub. L. 110-246, § 4(a), title X, § 10203(b), June 18, 2008, 122 Stat. 1664, 2104.)

REFERENCES IN TEXT

This Act, referred to in subsec. (c), is Pub. L. 106-224, June 20, 2000, 114 Stat. 358, known as the Agricultural Risk Protection Act of 2000. For complete classification of this Act to the Code, see Short Title of 2000 Amendment note set out under section 1501 of this title and Tables.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

Similar provisions relating to authority to transfer funds for emergency arrest of animal, poultry, or plant diseases or pests were contained in section 129 of Title 21, Food and Drugs, prior to its omission from the Code, and similar provisions relating to authority to transfer funds for emergency arrest of animal or poultry diseases were contained in section 129a of Title 21, prior to repeal by Pub. L. 107-171, title X, § 10418(a)(1), May 13, 2002, 116 Stat. 507.

AMENDMENTS

2008—Subsec. (c). Pub. L. 110-246, § 10203(b), struck out “of longer than 60 days” after “review”.

2002—Subsec. (c). Pub. L. 107-171 added subsec. (c).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of the Secretary of Agriculture relating to agricultural import and entry inspection activities under this chapter to the Secretary of Homeland Security, and for treatment of related references, see sections 231, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

SUBCHAPTER V—NOXIOUS WEED CONTROL AND ERADICATION

§ 7781. Definitions

In this subchapter:

(1) Indian tribe

The term “Indian Tribe” has the meaning given that term in section 450b of title 25.

(2) Weed management entity

The term “weed management entity” means an entity that—

(A) is recognized by the State in which it is established;

(B) is established for the purpose of or has demonstrable expertise and significant experience in controlling or eradicating noxious weeds and increasing public knowledge and education concerning the need to control or eradicate noxious weeds;

(C) may be multijurisdictional and multidisciplinary in nature;

(D) may include representatives from Federal, State, local, or, where applicable, Indian Tribe governments, private organizations, individuals, and State-recognized conservation districts or State-recognized weed management districts; and

(E) has existing authority to perform land management activities on Federal land if the proposed project or activity is on Federal lands.

(3) Federal lands

The term “Federal lands” means those lands owned and managed by the United States Forest Service or the Bureau of Land Management.

(Pub. L. 106-224, title IV, § 452, as added Pub. L. 108-412, § 1, Oct. 30, 2004, 118 Stat. 2320.)

SHORT TITLE

For short title of this subchapter as the “Noxious Weed Control and Eradication Act of 2004”, see section